

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ROBERT L. BUTTERFIELD

Plaintiff,

v.

LeGRAND, et al.,

Defendants.

Case No. 3:14-cv-00049-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 45) ("R&R") relating to Defendants' Motion for Summary Judgment (dkt. no. 36). Plaintiff had until January 9, 2016, to object to the R&R. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cobb's R&R. Following screening of  
10 Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, Plaintiff was permitted to proceed on  
11 three claims for violations of the Eighth Amendment (for deliberate indifference to  
12 serious medical needs), the Equal Protection Clause and the Americans with Disabilities  
13 Act. (Dkt. nos. 3, 6.) The Magistrate Judge recommended granting summary judgment  
14 on all three claims because the undisputed evidence shows that Defendants were not  
15 deliberately indifferent to an excessive risk to Plaintiff's health, and Plaintiff was not  
16 denied medical services because of his race or his disability. (Dkt. no. 45.) Upon  
17 reviewing the R&R and underlying briefs, this Court agrees with the Magistrate Judge's  
18 findings.

19 It is therefore ordered, adjudged and decreed that the Report and  
20 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 45) be accepted and  
21 adopted in its entirety.

22 It is ordered that summary judgment be granted in favor of Defendants and  
23 against Plaintiff.

24 The Clerk is instructed enter judgment in favor of Defendants and close this case.

25 DATED THIS 22<sup>nd</sup> day of January 2016.

26   
27 \_\_\_\_\_  
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE